

Iowa Legislative Rules and Procedures - A Survey of Constitutional and Rules Provisions

Richard Johnson
Legal Services Division Director
Legislative Services Agency
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LSA Roles Restricted

Legislative Services Agency (LSA) employees DO NOT do the following:

- Act as parliamentarians for the Senate or the House
- Advise the presiding officers of the Senate or House regarding rules
- Advise committee chairpersons in the Senate or House regarding rules

LSA employees DO the following:

- Attempt to answer questions regarding relevant constitutional and rule provisions
- Converse with legislators and legislative staff concerning the application and effects of constitutional and rule provisions

Iowa and Other States' Legislative Rules and Procedures

Contrasting and comparing Iowa's constitutional and legislative rule provisions to those of other states provides some context to how state legislatures as institutions:

- Organize themselves, and
- Establish acceptable patterns of behaviors by their members

Institutions

Institution – a structure or mechanism of social order and cooperation governing the behavior of a set of individuals within a given community

- Often brings a predictability of process
- Not necessarily a predictability of result
- Process undergoes evolutionary rather than revolutionary change

Lawmaking

Iowa:

- Lawmaking reserved for General Assembly; citizens have no right to initiative or referendum (representative democracy)

Other states:

- Initiative and referendum rights of citizens extensive in some states (direct democracy)

Amendments to Constitution

Iowa:

- Amendments presented to voters after two general assemblies have approved
- Amendments presented on ballot or in ballot booth in full, with summary by Secretary of State
- Amendments must be presented separately to voters (one subject)
- Constitutional convention can be called by voters at general election every 10 years or at election set by General Assembly; but no precedent for such calling

Amendments to Constitution

Other states:

- Amendments presented by legislature, convention, or citizen initiative
- Amendment proposal on ballot rather than amendment in full

State constitutions vary greatly by size and detail

Majority or Supermajority Voting for Bills

Iowa:

- Majority vote required for lawmaking (Const., Art. III, sec. 17)
- Supermajority vote (2/3rds) only required for local or private purpose appropriation bills (Const., Art. III, sec. 31)
- Supermajority vote (2/3rds) required for Senate confirmation of appointees (Iowa Code sec. 2.32(8))

Other states:

- Supermajority vote sometimes required for budget or taxation bills, or for bills with early effective dates

Effective Dates for Bills

Iowa:

- July 1 – constitutional, default effective date for bills
- Effective upon enactment or on specific date possible without any special voting or publication requirements

Other states:

- Delayed effective dates
- Early effective date if supermajority vote

One Subject Rule for Bills

Iowa:

- One subject rule for bills
- Title must express one subject

Other states and Congress:

- One subject rule for bills requires separate appropriation bills for each budgeting unit
- Titles must include recitation of Code section numbers affected
- Congress has no one subject rule

Fallback Rules

Iowa:

- Mason's Manual of Legislative Procedure

Minority of States:

- Robert's Rules of Order

Iowa Constitutional Provisions Affecting Lawmaking

Separation of powers

- Legislative branch - lawmaking (Const., Art. III, Distribution of Powers, sec. 1)
- Executive branch - faithful execution of the laws (Const., Art. IV, sec. 9)
- Judicial branch - judicial power vested in supreme and district courts with supreme court having supervisory control over inferior courts; general assembly has authority to provide for a general system of practice for all courts; (Const., Art. V, sec. 1, 4, and 14)

Senate and House of Representatives

Constitutionally created bodies, with compensation and allowances for expenses as fixed by law, and statutory standing unlimited appropriation (Const., Art. III, Legislative Department, secs. 1 and 25 and Iowa Code section 2.12)

- Open sessions (Const., Art. III, sec. 13)
- Rules of proceedings (Const., Art. III, sec. 9)
- Choose officers and judge the qualifications, elections, and returns of members (Const., Art. III, sec. 7)
- Legislative immunity or privilege (Const., Art. III, sec. 11 and Iowa Code sec. 2.17)

Iowa Constitutional Provisions Affecting Lawmaking

- Constitutional majority vote for bills with vote on final passage taken immediately by record roll call vote (Const., Art. III, sec. 17)
- Dissent and record vote requested by two members in journals (Const., Art. III, sec. 10)
- One subject rule for bills, subject expressed in title (Const., Art. III, sec. 29)
- Effective dates controlled by bills themselves (Const., Art. III, sec. 26)

Iowa Constitutional Provisions Affecting Lawmaking

- Appropriations by law required to draw from state treasury (Const., Art. III, sec. 24)
- Credit of state and state debt limitations and taxes distinctly stated (Const., Art. VII, sec. 1, 2, 5, and 7)
- Corporation and stockholder prohibitions (Const., Art. VIII, sec. 1, 2, 3 and 4)
- Equal protection (all laws general and of uniform operation throughout state) (Const., Art. I, sec. 6 and Art. III, sec. 30)
- Local or special laws prohibited; local or private appropriation bills require supermajority approval (Const., Art. III, secs. 30 and 31)
- City and county home rule (Const., Art. III, secs. 38A and 39A)

Iowa Constitutional Provisions Affecting Lawmaking

- Veto and item veto authority of governor (Const., Art. III, sec. 16)
- Administrative rules nullification authority by Senate and House (Const., Art. III, sec. 40) - statutory authority to delay or object to rules; newly enacted authority to approve emergency rules (HF 586) (Iowa Code chapter 17A)
- Amendments to Constitution, no governor's role, separate vote requirement (Const., Art. X, secs. 1 and 2)

Joint Rules

- Passed in concurrent resolution; suspension of joint rules requires constitutional majority vote by concurrent resolution (JR 3)
- Standardize the recognition by one house of the other house's actions
- Mason's Manual of Legislative Procedure not referred to in Joint Rules

Joint Rules - Organizational Structure

Joint Rules - Organizational Structure

- Suspension of Joint Rules JR 1
- Sessions of a General Assembly JR 2-3A
- Messages, Bills and Amendments in the Chambers JR 4-12
- Conference Committees JR 13
- Enrollments and Transmission of Bills to Governor JR 14-16
- Fiscal Notes JR 17
- Legislative Interns JR 18
- Administrative Rules Review Committee Bills JR 19
- Time of Committee Passage/Consideration of Bills (Funnel) JR 20
- Resolutions JR 21-22
- Veto Consideration JR 23
- Redistricting Plans JR 24

Joint Rules of Note

- JR 3 Sessions of a general assembly
Officers, employees, standing committees, and actions taken by each house carry over from the first regular session to the second regular session and any special session of the same General Assembly.
- JR 6 Companion bills
- JR 9 Rejected bills
- JR 11 Code editor's bills

Joint Rules of Note

- JR 12 Number of times a bill can be amended; motion to concur has precedence over motion to refuse to concur, motion to recede has precedence over motion to insist; originating house shall not rule other house's amendment out of order based on a question of germaneness
- JR 13 Conference committee reports, organizational and authority (differences only or free conference) provisions; inaction due to violations of authority equated to refusal to adopt conference committee report

JR 20 Time of Committee Passage/Consideration of Bills (Funnel)

Entire rule not applicable to:

- Simple and concurrent resolutions
- Administrative rules nullification resolutions
- Senate confirmations
- Redistricting bills
- Bills passed by both houses in different forms

JR 20 Committee Deadlines Not Applicable

Committee deadlines in rule not applicable to:

- Appropriations Bills
- Ways and Means Bills
- Government Oversight Bills

To be considered such a committee bill, the committee must be one of the following:

- Sponsor of the bill
- Committee of first referral in the originating house.

JR 20 Committee Deadlines Not Applicable

Committee deadlines in rule not applicable to:

- Administrative Rules Review Committee bills
- Committee bills related to delayed or suspended administrative rules [Iowa Code Sec. 17A.8(9)]
- Bills co-sponsored by majority and minority leaders of one house
- Companion bills sponsored by the majority leaders of both houses after consultation with the respective minority leaders

JR 20 Committee Deadlines Not Applicable

Committee deadlines in rule not applicable to:

- Conference committee reports
- Legalizing Acts
- Unfinished business (not defined in joint rules but see SR 6 - called up for debate but further debate postponed or deferred)
- Bills on veto calendar

JR 21 Resolutions

Concurrent resolutions

- Deal with temporary legislative matters or express the sentiment of the General Assembly
- Require the approval of a majority of those voting (exception for joint rules)
- Must include a “Be It Resolved” clause
- Not subject to approval by Governor

JR 21 Resolutions

Joint Resolutions:

- May appropriate moneys or enact temporary law
- Require the approval of a constitutional majority
- Cannot amend the Iowa Code
- Must include a “Be It Enacted by the General Assembly of the State of Iowa” clause
- Subject to approval by Governor

Joint resolutions that propose or ratify Iowa or U.S. constitutional amendments, or nullify administrative rules:

- Must include a “Be It Resolved by the General Assembly of the State of Iowa” clause
- Not subject to approval by Governor

JR 22 Administrative Rule Nullification Resolutions

Administrative rule nullification resolutions:

- May void an adopted administrative rule or severable item of such a rule
- May not add language or insert language in lieu of existing rule language
- Must contain an effective date
- Are debatable but not amendable on the floor

JR 23 Veto Calendar

- Must be disposed of before adjournment.
- But JR 3 provides that actions taken by each house carry over from the first regular session to the second regular session and any special session of the same General Assembly.

[HF 2351 passed on reconsideration over the Governor's veto in 2006 special session.]

Senate and House Rules - Compared and Contrasted

Senate Rules - Organizational Structure

- Conduct of Chamber Business SR 1-25
- Introduction and Form of Bills SR 26-33
- Committees and Commitment SR 34-44
- General Rules (Access to Chamber and Decorum) SR 45-51
- Officers and Employees SR 52-58
- Confirmation of Appointments SR 59
- Time of Committee Passage/Consideration of Bills SR 60

Senate and House Rules - Compared and Contrasted

House Rules - Organizational Structure

- General Rules (Conduct of Chamber Business) HR 1-14 (Division I)
- Employees of the House HR 15-19 (Division II)
- Visitors and Lobbyists HR 20-22 (Division III)
- Forms and Procedures for Bills and Other Documents HR 23-45 (Division IV)
- Committee Procedures HR 46-62 (Division V)
- Committee of the Whole HR 63-66 (Division VI)
- Motions HR 67-73 (Division VII)
- Voting HR 74-82 (Division VIII)

Fallback Rules

Mason's Manual of Legislative Procedure governs:

- If no Senate or joint rule is applicable (SR 3)
- If not inconsistent with House or joint rules or customary practice of the House (HR 5)

Senate Calendars

SR 6 Senate calendar includes:

- Regular, appropriations, ways and means, noncontroversial, and confirmation calendars
- Listings of special order bills, conference committee reports, bills in conference committee, House bills, Senate bills amended by the House, unfinished business, motions to reconsider, nullification resolutions, veto messages
- Unfinished business listing includes bills called up for debate but with further debate being postponed or deferred

Debate calendar is issued from previous legislative day's Senate calendar.

House Calendars

HR 25, 26, 26A, 31, 33, and 34 House Calendar includes:

- Regular, special order, and unanimous consent calendars
- Unanimous consent calendar may include House simple or concurrent resolutions (not appropriating moneys) upon the request of 3 members laid over on House calendar instead of being referred to committee.
- Senate bills may be referred to committee or passed on file (retained on calendar).

Debate calendar is issued from previous legislative day's regular calendar.

Resolutions Treated as Bills

- JR 21 A joint resolution appropriating funds or enacting temporary law is equivalent to a bill.
- SR 32 Rules applicable to bills apply to resolutions, unless Senate Rules otherwise provide.
- HR 28 A joint resolution shall be framed and treated as a bill.

Bill Introductions

JR 5 Bills introduced and prepared as provided by law:

- In manner determined by Secretary of the Senate and Chief Clerk of the House
- In form approved by legal counsel's office of each house

Senate Bill Introductions

- SR 28 Only Senators and standing committees may introduce bills.
- SR 12 Bills shall be delivered to the Senators' desks before being acted upon by the Senate.
- Senate resolutions may be acted upon at the end of a legislative session, without objection, if delivered electronically to all members.
- SR 26 Bills to be introduced must be typed in proper form by the LSA.
- SR 28 The subject of every bill must be expressed in its title.
- SR 29 Bills, other than appropriation committee bills and simple or concurrent resolutions, must contain a concise and accurate explanation. A committee or chief sponsor may have a revised explanation included in the daily clip sheet at any time before last reading.

House Bill Introductions

- HR 27 Only Representatives, standing and other authorized committees, and the Administrative Rules Review Committee may introduce bills.
- HR 41 All bills shall be printed in form as provided by law and by rule.
- HR 27 Bills to be introduced must be prepared by the Legislative Services Agency with title, enacting clause, text, and explanation, and presented in a bill cover, as directed by the Chief Clerk.
- HR 30 Bills shall be filed no later than 4:30 p.m. on the legislative day preceding their introduction.
- HR 31 Bills may be introduced on a nonlegislative day if noted as such in House journal.

Referrals to Appropriations, Ways and Means, and State Government Committees

SR 38 Requires referral to:

- Appropriations Committee for bills appropriating moneys or expending state funds
- Ways and Means Committee for bills imposing taxes or fees
- State Government Committee for bills creating a new board, commission, agency, or department

HR 32 Requires referral to:

- Appropriations Committee for bills appropriating moneys
- Ways and Means Committee for bills imposing taxes or fees

Committee Procedures

- The Senate and House have both similar and divergent committee procedures.
- Some committee procedures can be suspended by a committee, and others may not be suspended.

Senate Referrals to Subcommittee

- SR 39 The chairperson of a committee must assign each bill to a subcommittee within seven days after the bill has been referred to committee.
- The committee may only report a bill out of committee if it has been assigned to subcommittee at a prior meeting. However, the Appropriations Committee may assign a bill to subcommittee by placing a notice in the journal but the Committee must wait three days after the journal's publication to consider the bill.
- Subcommittee assignments must be reported in the journal.
- The committee may suspend this rule.

House Referrals to Subcommittee

- HR 51 A bill cannot be considered by a committee until it has been referred by the chairperson to a subcommittee, unless acted upon by a committee of the whole.
- Referral to a subcommittee may take place between committee meetings but the membership of the subcommittee shall be reported at the next meeting of the committee.
- Subcommittee assignments must be reported in the journal.
- HR 48 Final committee action on a study bill shall not be taken until one day following the notation of the study bill assignment in the journal.
- The committee may not suspend these rules.

Study Bills

- SR 33 A study bill shall bear the name of the Senator, state agency, or committee chairperson (by tradition only) submitting the bill to the committee.
- A committee may receive a study bill not prepared by the LSA but may only consider a study bill if the bill has been reviewed and typed in proper form by the LSA.
- HR 8 A study bill is received by a committee chairperson for consideration by the chairperson's standing committee, other than appropriations, who must notify the speaker of its receipt and submit four copies to the legal counsel's office for numbering.
- A study bill shall bear the name of the Representative, state agency, or committee chairperson (by tradition only) submitting the bill to the committee.

Announcement of Committee Meetings

- SR 41 The chairperson of a committee must announce to the Senate the time and place of committee meetings, which must include an agenda.
- HR 57 Each committee shall publish a notice of each committee meeting at least one day prior to the meeting, and publish a meeting agenda containing matters to be discussed, including a list of bills and resolutions by number as well as the names of individuals scheduled to appear before the committee and the organizations they represent.
- A majority of the total membership of the committee may suspend this notice requirement.
- A committee chairperson may call a meeting without providing the required notice and agenda upon leave of the House if a notice is placed on the desks of committee members or transmitted electronically to committee members.

Committee Rules That Cannot Be Suspended

Senate Rules that Committees Cannot Suspend

- Quorum. (SR 39(1))
- Absolute Majority to Report Bill Out. (Senate Rule 39(5))
- Roll Call Vote on Final Passage. Unless a short-form vote is unanimously agreed to by the committee. (SR 39(6))
- Meeting During Senate Session Prohibited. Conference committees are exempt from this rule. (SR 39(7))
- Proper Form. A subcommittee may only report a bill to full committee if the bill has been prepared in proper form by the LSA. (SR 39(8))
- Open Meetings. (SR 39(13))

Committee Rules That Cannot Be Suspended

House Rules that Committees Cannot Suspend

- Quorum. (HR 53)
- Absolute Majority to Report Bill Out or to Suspend Committee Rule. (HR 53)
- Secret Ballot Prohibited. (HR 52)
- Requirement to Vote. A member may pass on the first taking of the roll call but when the member's name is called for a second time, the member must vote aye or nay. (HR 53)
- Meetings During House Session Prohibited and Meetings by Committees with Overlapping Memberships Prohibited at Same Time. Conference committees and the Administrative Rules Review Committee are exempt from this prohibition. Committees with overlapping memberships cannot meet at the same time without special leave. (HR 49)
- Proper Form. A committee may consider a study bill only after being prepared in proper form by the LSA. (HR 48)

Committee Rules That Cannot Be Suspended

House Rules that Committees Cannot Suspend

- Open Meetings. The Administration and Rules Committee may close its meetings to evaluate the professional competency of an individual. (HR 52)
- Reconsideration. Only a committee member who voted on the prevailing side of the question may move to reconsider the vote on a bill, but the motion must be made prior to adjournment of the meeting at which the bill was voted out. (HR 53)
- Subcommittee Assignment and Action — Committee of the Whole. A bill cannot be considered by a committee until it has been referred by the chairperson to a subcommittee, unless acted upon by a committee of the whole.
- Referral to a subcommittee may take place between committee meetings but the membership of the subcommittee shall be reported at the next meeting of the committee.
- Subcommittee assignments must be reported in the journal.
- Final committee action on a study bill shall not be taken until one day following the notation of the study bill assignment in the journal. (HR 48 and 51)

Committee Rules That Cannot Be Suspended

House Rules that Committees Cannot Suspend

- Public Hearings Called. The chairperson of a committee may call a public hearing at the chair's discretion, and must call a public hearing at the written request of committee members according to committee rules, which shall require no more than a request by one-third of the committee members . The chairperson must provide public notice at least five days prior to the public hearing.
- The public hearing shall not be called or requested after final action on the bill has been taken by the committee. However, if called or requested before final action has been taken by the committee, the public hearing may be held after final action on the bill has been taken by the committee.
- A bill for which a public hearing has been called can be voted to the calendar but cannot be debated until after the public hearing has been held.
- Public hearings requested during or after the 9th week of the first regular session or during or after the 7th week of the second regular session must be held within four legislative days of the date of the request. (House Rule 61)
- The presence or participation by a legislator, state official, member of the press, legislative staff member, or a person invited by the committee at a committee meeting is not considered a public hearing (by tradition only as memorialized in individual committee rules).
- [The Legislative Information Office will provide staff support to schedule speakers for a public hearing.]

Committee Rules That May Be Suspended

Senate rules that may be suspended (SR 39(4))

- Subcommittee Assignment. (SR 39(2))
- Subcommittee Action. (SR 39(3))
- Public Hearing and Voting. A bill cannot be voted upon the same day a public hearing is held on the bill. (Senate Rule 39(9))
- The presence or participation by a legislator, state official, member of the press, legislative staff member, or a person invited by the committee at a committee meeting is not considered a public hearing (by tradition only as memorialized in individual committee rules).
- Public Hearings Called. The chairperson of the committee may call a public hearing at the chairperson's discretion and must call a public hearing at the request of one-half the membership of the committee. The chairperson sets the time and place of the public hearing. (SR 39(10))
- [The Legislative Information Office will provide staff support to schedule speakers for a public hearing.]
- Subcommittee Report to Chairperson. A subcommittee must notify the chairperson one legislative day prior to bringing a bill before the committee. A committee cannot vote on a bill for at least one full day following the receipt of the subcommittee's report by the chairperson. (SR 39(11))
- Reconsideration of Defeated Bill. A bill that has been defeated cannot be reconsidered and voted upon at the same session of the committee. (SR 39(12))

Committee Rules That May Be Suspended

House standing committee procedural rules cannot conflict with House Rules.

- A motion to suspend a House rule requires one day's notice and an affirmative vote of a constitutional majority on the House floor.
(HR 7 and 69A)
- HR 53 allows a committee to suspend only a committee rule.

Voting in Committee

Senate:

Roll Call Votes — Public Records

- Roll call votes on final passage must be taken unless a short-form vote is unanimously agreed to by the committee. [If short-form voting is used, “no” votes must still be recorded.] Roll call votes on any amendment or motion must be taken at the request of any member. All votes must be recorded and are public records. (SR 40)

Incorporation of Amendments by LSA and Rule 40 Reports

- A committee shall not introduce a committee bill until the committee members have received final copies of the bill with amendments incorporated by the LSA. The committee may waive this rule by unanimous consent and instruct the LSA to file a report with committee members detailing the amendments. The LSA report becomes part of the committee report and is commonly referred to as the “Rule 40 Report.” (SR 40)

Proper Form of Bills

- Bills to be introduced must be typed in proper form by the LSA and filed with the recording clerk. (SR 26)

Voting in Committee

House:

Roll Call Votes — Public Records

- Roll call votes on final passage must be taken. All votes, committee action, and minority recommendations must be recorded and are public records. (HR 54)

Incorporation of Amendments

- All amendments adopted in committee shall be incorporated in a single committee amendment or incorporated in a new committee bill. If a committee amendment would amend another committee amendment, the amendment must be drafted in the form of a substitute amendment. (HR 56 and 59)

Proper Form of Bills

- Bills to be introduced must be prepared by the LSA with title, enacting clause, text, and explanation, and presented in a bill cover, as directed by the Chief Clerk. (HR 27)

Withdrawal of Bills from Committee

- SR 42 A bill cannot be withdrawn from committee within 15 days after the bill has been referred to the committee. Thereafter the bill can be withdrawn from committee only upon a written petition signed by a constitutional majority of Senators.
- HR 60 A bill may be withdrawn from committee, after the bill has been in committee for 18 days, by an affirmative vote of 51 Representatives.

Debate Eligibility

- SR 8 Regular bills are eligible on 3rd legislative day printed in Senate calendar.
- Appropriation bills, individually sponsored bills, House bills, and confirmations are eligible on 2nd legislative day printed in Senate calendar.
- Bills rereferred to different committees are eligible as if printed on Senate calendar after reported out by first committee.
- HR 39 Bills are eligible on 3rd legislative day printed in House calendar.

Substitution of Bills

- HR 35 Allows substitution of a Senate bill for an identical House bill called up for debate.
- Senate Rules do not refer to the substitution of a House bill for an identical Senate bill called up for debate.

Electronic Delivery to Members of Resolutions and Amendments

- SR 12 Amendments and Senate resolutions may be considered if they are made available to all members electronically during the final weeks of a session, usually after the 14th and 12th weeks of the first and second regular sessions.
- HR 31 Amendments may be considered if they are made available to all members electronically.

Motions - Oral or in Writing, Requirements for a Second

- SR 12 Motions may generally be oral and require no second. A non-record or record roll call vote may be requested by a single Senator or ordered by the President. (SR 22)
- HR 80 A record roll call shall be ordered upon the request of two members.

Order of Precedence of Motions

SR 13

- Adjourn
- Recess
- Questions of privilege
- Lay on the table
- Previous question
- Postpone to a day certain
- Refer
- Amend
- Postpone indefinitely
- Defer
- Incidental motions

Order of Precedence of Motions

HR 67

- Adjourn
- Recess
- Questions of privilege
- Lay on the table
- Previous question
- Limit debate
- Postpone definitely or to a certain time
- Refer or rerefer
- Defer
- Amend an amendment
- Amend
- Postpone indefinitely

Nondebatable Motions

SR 15

- Adjourn
- Recess
- Call of the Senate
- Lay on table or take from table
- Previous question
- Reconsider vote by which bill was placed on last reading
- A motion to reconsider and lay the motion to reconsider on the table (double-barreled motion).

May not be exclusive list, e.g., motion for last reading is not debatable.

Nondebatable Motions

HR 69

- Adjourn
- Adjourn to a certain time
- Suspend house rules
- Previous question
- Close debate at a certain time
- Recess
- Defer
- Refer or rerefer
- Lay on the table
- Take from the table
- Call of the house
- Withdraw a bill or resolution from committee
- Appeal a decision of the chair
- Immediately message a bill or resolution

May not be exclusive list, e.g., motion for last reading is not debatable.

Constitutional Majority Vote Requirements

Joint and Senate Rules

- JR 1 Joint rule suspension by concurrent resolution of Senate and House
- SR 2 Amendment or repeal of temporary Senate rules
- Adoption, amendment, or repeal of permanent Senate rules by a simple resolution
- SR 18 Lifting a call of the Senate or excusing a member from the call
- SR 24 Motion to reconsider
- SR 24 Motion to reconsider and that the motion to reconsider be laid upon the table
- SR 25 Motion to suspend rules by a simple resolution
- SR 42 Withdrawal of bill from committee by written petition
- SR 50 Printing of papers in the journal (other than dissent on vote per Iowa Const., Art. III, sec. 10)

May not be exclusive list.

Constitutional Majority Vote Requirements

House Rules

HR 69A

- Final passage of a bill, joint resolution, or nullification resolution
- Lay on the table
- Take from the table
- Suspend house rules
- Previous question
- Withdraw a bill or resolution from committee
- Reconsider a bill, joint resolution, or nullification resolution
- Immediately message a bill or resolution

A division must be taken on any motion which requires a constitutional majority.

May not be exclusive list.

Germane Amendment Rulings

- HR 38 Speaker may invite members, who shall include the majority and minority leaders, to the speaker's station, to discuss a question of whether an amendment is germane, i.e., germane to the subject matter of the bill or amendment it seeks to amend.
- Senate has no comparable rule but has long tradition of discussing germaneness objections at the well.

Suspension of a Rule

- SR 25 Unanimous consent of the members is sufficient to suspend a Senate rule. Otherwise suspension must be obtained through passage of a simple resolution by a constitutional majority of the members.
- HR 72 Unanimous consent of the members is sufficient to suspend a House rule. Motions to suspend a House rule are not debatable and require a constitutional majority vote for approval. (HR 69 and 69A) A motion to change or rescind a standing rule or order of the House requires one day's notice. (HR 7)

Reconsideration

- SR 24 May only be filed in writing by member on prevailing side of the question, on day of or day following vote. Mover and other members subject to some time restrictions on when a motion can be taken up. Motion is deemed to have failed upon adjournment sine die.
- HR 73 By member on prevailing side of the question, on day of or day following vote. Mover and other members subject to some time restrictions on when a motion can be taken up. Motion is deemed to have failed upon adjournment sine die.

Committee Reconsideration

- HR 53 By member on prevailing side of the question, made prior to adjournment of committee meeting at which bill was reported out

Carry-Over of Senate Bills and End of Session Referral Back to Committee

- SR 4 Bills introduced in the first regular session of a General Assembly carry over into the second regular session and to any extraordinary session of the same General Assembly.
- Bills not finally passed by the Senate at the end of the first regular session are automatically referred back to the committee of origin for reassignment to a subcommittee, for indefinite postponement of further consideration, or for reporting back out to the floor for debate during the second regular session.
- Bills finally passed by either house at a previous session remain on the Senate calendar for any subsequent regular or extraordinary session in the same status as at the end of the previous session.

Carry-Over of House Bills and End of Session Referral Back to Committee

- HR 45 Bills introduced in the first regular session of a general assembly carry over into the second regular session and to any extraordinary session of the same general assembly.
- Bills not withdrawn, defeated, indefinitely postponed, or adopted by both houses in different forms, shall be rereferred to committee upon adjournment of the first regular session.
- At the beginning of the second regular session, the committee chairpersons shall submit carry-over bills to full committee for action or reassign the carry-over bills to subcommittee.

Amendments

Senate Amendment Filing and Delivery

- Amendments shall be in writing, filed, and delivered to the Senators' desks before being acted upon by the Senate. (SR 26)
- However, amendments may be acted upon at the end of a legislative session, without objection, if delivered electronically to all members. (SR 12)
- Amendments typed in proper form must be filed not later than 4:30 p.m., or by adjournment, whichever is later, in order to be included in the following day's clip sheet. (SR 26)

Amendments

House Committee Amendments

- Amendments adopted in committee shall be incorporated in a single committee amendment or incorporated in a new committee bill. (HR 59)
- If a proposed committee amendment would amend another committee amendment, the amendment shall be drafted in the form of a substitute amendment. (HR 56)

Amendments

House Amendment Filing and Delivery

- Amendments, other than technical, conforming, and committee amendments, must be filed with the Chief Clerk not later than 4:00 p.m., or within one-half hour after adjournment, whichever is later (on Fridays if adjournment is prior to 2:00 p.m., within two hours after adjournment), in order to be debated on the House floor on the next day.
- The deadline also does not apply at the end of a legislative session, usually after the 13th and 11th weeks of the first and second regular sessions.
- Amendments must be delivered to the members' desks or delivered electronically to all members before being acted upon by the House. (HR 31.8)

Third Degree Amendments

- SR 12 Amendments in the third degree shall be ruled out of order except that any amendment filed in the Senate to a House amendment to a Senate File shall be considered an amendment in the first degree, thereby allowing that Senate amendment (drafted in the second degree) to be perfected by amendment (drafted in the third degree).
- The House by tradition also allows third degree amendments under similar circumstances.

Amendments - Order of Precedence in Debate

SR 13 and 16 The Senate considers amendments in the following order of precedence:

- Striking the enacting clause.
- Striking everything after the enacting clause.
- Committee amendment.
- Other amendments, with striking amendments taking precedence over perfecting amendments and striking and inserting amendments.

Amendments - Order of Precedence in Debate

HR 68 and 82 The House considers amendments by the earliest position in the bill (inserting after a line and before the next line are considered as amending the same position) and by lowest amendment number, but in the following order of precedence:

- Striking the enacting clause.
- Committee amendment.
- Striking everything after the enacting clause and inserting in lieu thereof.
- Perfecting.
- Striking.
- Striking and inserting.

Dividing Amendments

- SR 16 Any Senator may call for a division of a question, which shall be divided if it includes propositions so distinct that if one is taken away, a substantive proposition shall remain in a technically proper form for the decision of the Senate.
- HR 82 Amendments can be divided if the division comprehends questions so distinct that one being taken away, the remainder may stand separately.

Engrossment of Bills

- SR 21 Engrossment is a verification that a bill is identical with the original bill as introduced and with all adopted amendments correctly inserted. Typographical, spelling, and other clerical errors may be corrected and internal references may be changed as required to conform the original bill to the amendments adopted. All such corrections and changes shall be reported in the Senate journal. Bills substantially amended by the Senate shall be reprinted on colored paper distinguishing any new material adopted by amendment. (SR 51)
- HR 42 The Chief Clerk shall correct all obvious typographical, spelling, or other clerical errors and change section subunit numbers and letters and internal references as required to conform the original bill to any amendments which have been adopted. The Chief Clerk shall report all such corrections or changes in the House journal.